

Part 4

Registration and Training

58-37f-401 Database registration required -- Penalties for failure to register.

- (1) Each individual, other than a veterinarian, who, on June 30, 2010, has a license to prescribe a controlled substance under Chapter 37, Utah Controlled Substances Act, but is not registered with the division to use the database shall, on or before September 30, 2010, register with the division to use the database.
- (2) Each individual who, on November 1, 2012, is registered with the division to use the database shall, on or before January 1, 2013, participate in the online tutorial and pass the online test described in Section 58-37f-402.
- (3)
 - (a) An individual who is not a veterinarian, who obtains a new license to prescribe a controlled substance under Chapter 37, Utah Controlled Substances Act, shall, within 30 days after the day on which the individual obtains a license to prescribe a controlled substance from the Drug Enforcement Administration, register with the division to use the database.
 - (b) An individual who is not a veterinarian may not renew a license to prescribe a controlled substance under Chapter 37, Utah Controlled Substances Act, unless the individual registers with the division to use the database.
- (4) Beginning on November 2, 2012, in order to register to use the database, the individual registering must participate in the online tutorial and pass the online test described in Section 58-37f-402.
- (5) Failure by an individual to comply with the requirements of this section is grounds for the division to take the following actions in accordance with Section 58-1-401:
 - (a) refuse to issue a license to the individual;
 - (b) refuse to renew the individual's license; or
 - (c) revoke, suspend, restrict, or place on probation the license.
- (6) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504, impose an annual database registration fee on an individual who registers to use the database, to pay the startup and ongoing costs of the division for complying with the requirements of this section and Section 58-37f-402.

Amended by Chapter 23, 2011 General Session

58-37f-402 Online tutorial and test relating to the database -- Fees -- Rulemaking authority -- Continuing professional education credit.

- (1) The division shall develop an online tutorial and an online test for registration to use the database that provides instruction regarding, and tests, the following:
 - (a) the purpose of the database;
 - (b) how to access and use the database;
 - (c) the law relating to:
 - (i) the use of the database; and
 - (ii) the information submitted to, and obtained from, the database; and
 - (d) basic knowledge that is important for all people who prescribe controlled substances to know in order to help ensure the health and safety of an individual to whom a controlled substance is prescribed.
- (2) The division shall design the test described in this section as follows:

- (a) an individual shall answer all of the questions correctly in order to pass the test;
- (b) an individual shall be permitted to immediately retake the portion of the test that the individual answers incorrectly as many times as necessary for the individual to pass the test; and
- (c) after an individual takes the test, the test software shall:
 - (i) immediately inform the individual of the number of questions that were answered incorrectly;
 - (ii) provide the correct answers;
 - (iii) replay the portion of the tutorial that relates to the incorrectly answered questions; and
 - (iv) ask the individual the incorrectly answered questions again.
- (3) The division shall design the tutorial and test so that it is possible to take the tutorial and complete the test in 20 minutes or less, if the individual answers all of the questions correctly on the first attempt.
- (4) The division shall ensure that the tutorial and test described in this section are fully functional and available for use online on or before November 1, 2010.
- (5) The division shall impose a fee, in accordance with Section 63J-1-504, on an individual who takes the test described in this section, to pay the costs incurred by the division to:
 - (a) develop, implement, and administer the tutorial and test described in this section; and
 - (b) fulfill the other duties imposed on the division under this part.
- (6) The division may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
 - (a) develop, implement, and administer the tutorial and test described in this section; and
 - (b) fulfill the other duties imposed on the division under this part.
- (7) The Department of Health shall assist the division in developing the portion of the test described in Subsection (1)(d).
- (8) Completing the online tutorial and passing the online test described in this section shall count as 1/2 hour of continuing professional education under Subsection 58-37-6.5(2).

Amended by Chapter 450, 2013 General Session